

10738

August 19, 2011

The Honorable Judge Robert E. Gerber  
United States Bankruptcy Judge  
United States Bankruptcy Court for the Southern District of New York  
One Bowling Green  
New York, NY 10004-1408

Re: Notice of Presentment of Proposed Supplemental  
Order Granting 147<sup>th</sup> Omnibus Objection to Claims

I have received and reviewed the Supplemental Order for the hearing on July 27, 2011. I do not feel that my concerns have been adequately considered. I wish to reiterate that I object that my claim may be reclassified as an equity interest claim.

I feel that General Motors fraudulently misrepresented the viability of their company to me. General Motors must have known that the viability of the company was deteriorating months, possibly years, before filing for bankruptcy. I feel that General Motors knew that its stock would eventually be worthless, and rather than notify me or take action to protect me from loss, they chose to take no action. It is my belief that due to fraud and misrepresentation that my claim should not be reclassified as equity interest. The result would be unjust and inequitable.

The assets were held in the General Motors 401(k) plan that I participated in as an employee of General Motors for 30 years. The funds included both bonds and General Motors common stock.

My claim number is 63648 and the amount of my claim is \$1,648,995.40.

/s/ Robert E. Gerber

Sincerely,

*Dale R. Spirnak*

Dale R. Spirnak  
207 Mapledale Dr.  
Munhall, PA 15120  
412-461-5195

*OSBJ*

*8/30/11*

Entered Order:

Deeming this letter to be a note for reargument or reconsideration, each is denied. Movant has failed to set forth any matter or controlling decision that the Court did not consider, and is in substance reiterating points already made.

See

*SDNY*

*LBR*

*9023-1,*

*CMO*

*#2, #34*